

BERNALILLO COUNTY
BOARD OF COUNTY COMMISSIONERS

ORDINANCE NO. _____

**AN ORDINANCE ADOPTING AN ECONOMIC DEVELOPMENT PLAN
PURSUANT TO THE LOCAL ECONOMIC DEVELOPMENT ACT,
ESTABLISHING APPLICATION REQUIREMENTS, AND AUTHORIZING THE
COUNTY OF BERNALILLO TO ENTER INTO JOINT POWERS
AGREEMENTS WITH LOCAL GOVERNMENTS.**

WHEREAS, the County of Bernalillo is political subdivision of the State of New Mexico and existing under the laws of the State of New Mexico (the "State"); and

WHEREAS, Article 9, Section 14 of the State Constitution permits counties to create new job opportunities by providing land, buildings or infrastructure for facilities to support new or expanding businesses, provided that adequate safeguards are employed to protect public monies and resources;

WHEREAS, pursuant to the Local Economic Development Act, Sections 5-10-1 through 5-10-13 NMSA 1978 (the "Act"), no assistance may be provided until a county has adopted by ordinance an economic development plan, or a comprehensive plan which includes an economic development component, which plan may be specific to a single economic development goal or strategy or may include several goals or strategies;

WHEREAS, the County of Bernalillo desires to adopt an economic development plan and encourage economic development of areas within its limits by use of authority available under the Act;

THEREFORE, BE IT ORDAINED BY THE BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS:

Section 1. Short Title. This ordinance may be cited as the "Local Economic Development Act Plan Ordinance."

Section 2. Purpose. This ordinance is adopted as part of the County's economic development plan. In accordance with the Act, the purpose of the Local Economic Development Plan Ordinance is to allow public support of economic development projects to foster, promote and enhance local economic development efforts while continuing to protect against the unauthorized use of public money and other public resources. The Local Economic Development Plan Ordinance will also allow the County to enter into joint powers agreements or memoranda of understanding with other local governments to support regional economic development projects.

CONTINUATION PAGE 2, AN ORDINANCE ADOPTING AN ECONOMIC DEVELOPMENT PLAN PURSUANT TO THE LOCAL ECONOMIC DEVELOPMENT ACT, ESTABLISHING APPLICATION REQUIREMENTS, AND AUTHORIZING THE COUNTY OF BERNALILLO TO ENTER INTO JOINT POWERS AGREEMENTS WITH LOCAL GOVERNMENTS

1 Section 3. Economic Development Plan. The County hereby adopts an economic
2 development plan as described in this Local Economic Development Plan Ordinance. The
3 County may assist economic development projects in any legally permissible manner, including
4 but not limited to the provision of land, building and infrastructure. The County may provide
5 land, buildings and infrastructure it already owns, or it may build, purchase or lease the facilities
6 needed for an economic development project. The County may bear the full cost or contribute a
7 portion of the costs and may waive applicable fees. The County may also contribute to the
8 payment of costs for professional services contracts, including industry feasibility studies and
9 planning and design services with respect to a project.

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11 The County may consider offering all forms of assistance allowed under this section and
12 any other form of assistance allowed under the Act, as amended from time to time; however, the
13 County has no obligation to offer any specific type or level of assistance.

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15 Section 4. Application for Assistance. Any qualifying entity, as such term is defined in
16 the Act from time to time, may propose an economic development project to the County and
17 apply for assistance from the County. The applicant's proposal shall describe the proposed
18 project including the names and addresses of persons with an interest in the project, the number
19 and types of jobs to be created, wages and benefits associated with the jobs to be created, the
20 type and amount of assistance sought from the County, and all other information requested by
21 the County. The County intends to evaluate the applications, the form and extent of assistance
22 proposed to be provided, the security to be provided to the County and other details of each
23 proposed project on a case-by-case basis. The County may accept or reject proposals in its sole
24 discretion.

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26 Section 6. Substantive Contribution; Project Participation Agreement. If the County
27 approves a request for assistance, it will do so by ordinance. In addition, the County and the
28 recipient of assistance will enter into a project participation agreement in accordance with the
29 Act. The County may require that all recipients of assistance pursuant to the Act provide the
30 County with periodic reports with respect to the project for which assistance was received.

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32 Section 7. Joint Powers Agreements. The County may enter into joint powers
33 agreements with other governments to develop a regional economic development plan in
34 accordance with the Act, as in effect from time to time.

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36 Section 8. Severability. If any section, paragraph, sentence, clause or word or phrase of
37 this Ordinance is for any reason held to be invalid or unenforceable, by any court of competent
38 jurisdiction, such decision shall not affect the validity of the remaining provisions of this
39 Ordinance.

CONTINUATION PAGE 3, AN ORDINANCE ADOPTING AN ECONOMIC DEVELOPMENT PLAN PURSUANT TO THE LOCAL ECONOMIC DEVELOPMENT ACT, ESTABLISHING APPLICATION REQUIREMENTS, AND AUTHORIZING THE COUNTY OF BERNALILLO TO ENTER INTO JOINT POWERS AGREEMENTS WITH LOCAL GOVERNMENTS

1 Section 9. All ordinances or resolutions, or parts thereof, inconsistent herewith are
2 hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to
3 revive any ordinance, or resolution, or part thereof, heretofore repealed.

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5 Section 10. Effective Date. This ordinance shall become effective thirty (30) days after
6 adoption by the Bernalillo County Commission.

7
8 **DONE** this ____ day of _____, 2007.

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11 BOARD OF COUNTY COMMISSIONERS

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13 _____
14 Alan B. Armijo, Chair

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16 _____
17 E. Tim Cummins, Vice-Chair

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19 _____
20 Teresa L. Córdova PhD, Member

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22 _____
23 Deanna Archuleta, Member

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25 _____
26 Michael Brasher, Member

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28 APPROVED AS TO FORM:

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31 _____
32 County Legal

33
34 Date: _____
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36
37 ATTEST:

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39 _____
40 Mary Herrera, Clerk

41 Date: _____